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9 Attorneys for DONALD G. ROGERS

10 UNITED STATES BANKRUPTCY COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

12 In re

Case No. 19-30088-DM

13 PG&E Corporation,

Chapter 11

Lead Case, Jointly Administered

14 and

15 PACIFIC GAS AND ELECTRIC  
 16 COMPANY,

**DECLARATION OF ERIC RATINOFF IN  
 SUPPORT OF MOTION PURSUANT TO  
 FED. R. BANKR. P. 9006(b)(1) TO  
 ENLARGE THE TIME FOR DONALD G.  
 ROGERS TO FILE PROOF OF CLAIM**

Debtors.

17 ☐ Affects PG&E Corporation  
 18 ☐ Affects Pacific Gas and Electric Company  
 19 ☒ Affects both Debtors

Date: March 9, 2021

Crtrm.: Courtroom 17

450 Golden Gate Avenue

San Francisco, CA 94102

Judge: Hon. Dennis Montali

20 \*All papers shall be filed in the Lead Case,  
 21 No. 19-30088-DM,

Objection deadline: March 2, 2021  
 4:00 p.m. (Pacific Time)

22 I, Eric Ratinoff, hereby declare as follows:

23 1. I am an attorney at law duly licensed to practice before the courts of the State of  
 24 California, and in various federal courts. I am a lawyer with the Eric Ratinoff Law Corporation,  
 25 based in Sacramento, California.

26 2. My law firm represents wildfire victims who sustained losses from the Camp Fire  
 27 in 2018.

28 3. On October 17, 2019, I caused to be filed a proof of claim for Mr. Rogers' family

1 trust (claim no. 32846). The claim reflects that Mr. Rogers is the trustee of his family trust.

2 4. Upon filing the family trust's proof of claim, my office was not aware that Mr.  
3 Rogers had a general damages claim from the Camp Fire, as he was an absentee property owner of  
4 a commercial property that was affected by the fire. As a result, the family trust's proof of claim  
5 did not seek personal injury damages for him.

6 5. On information and belief, Mr. Rogers was under the impression that the family  
7 trust's proof of claim would encompass his claims, which generally would be for nuisance and  
8 having to flee the fire. When my office became aware that the family trust claim did not  
9 encompass his personal damages, we immediately contacted bankruptcy counsel, who assisted  
10 with filing an amended claim to encompass both his individual personal damages and the family  
11 trust's damages.

12 6. Bankruptcy counsel filed proof of claim no. 106936 on February 3, 2021.  
13 Bankruptcy counsel sought to reach an agreement with the Fire Victim Trust to deem claim no.  
14 106936 timely on the basis that it related back to the family trust claim. On February 11, 2021,  
15 the Fire Victim Trustee notified our bankruptcy counsel that he could not agree to the timelessness  
16 of the amended claim as he had no authority to do so, and because the amended claim was filed by  
17 a new claimant and would have acted to supersede the family trust claim.

18 5. The next day, on February 12, 2021, our bankruptcy counsel withdrew proof of  
19 claim no. 106936, filed a new proof of claim, and filed the Motion. A true and correct copy of the  
20 new proof of claim is attached as **Exhibit 1**.

21 6. By way of the current motion, we are seeking to permit Mr. Rogers' claim for his  
22 general damages to proceed as if timely filed, and to also permit the full timely filed claim of the  
23 family trust to proceed, as well.

24 7. I am over eighteen years of age, of sound mind, and fully-competent to make this  
25 declaration. All statements in this declaration are based on my own personal knowledge and  
26 observation and from my review of the court and business records in this case, or upon  
27 information and belief as indicated. If called to testify on this matter, I can and would competently  
28

1 testify to the matters set forth in this Declaration.

2 I declare under penalty of perjury pursuant to the laws of the United States of America that  
3 the foregoing is true and correct.

4 Executed this 12th day of February, 2021, in Sacramento, California.

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By: /s/ Eric Ratinoff  
ERIC RATINOFF

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# **EXHIBIT 1**

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA (SAN FRANCISCO DIVISION)

In re:  
PG&E CORPORATION,  
- and -  
PACIFIC GAS AND ELECTRIC  
COMPANY,  
Debtors.

Bankruptcy Case  
No. 19-30088 (DM)

Chapter 11  
(Lead Case)  
(Jointly Administered)

## Proof of Claim (Fire Claim Related)

Read the instructions before filing this claim form. This form is for tort claimants who have a claim against the Debtors (i.e. PG&E Corporation and Pacific Gas and Electric Company) that arose prior to the Debtors filing for bankruptcy (i.e. prior to January 29, 2019) and that arose from, or relates to, a fire.

**Do not use this form for non-fire claims. Non-fire tort claimants should use Form 410.**

Do NOT file a fraudulent claim. A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Please type or print in the spaces below. Do NOT use red ink or pencil.

### Part 1: Identify the Claim

1. Who is the current creditor?		
Name of the current creditor (the person or entity to be paid for this claim) _____		
2. Has this claim been acquired from someone else?		
<input type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____		
3. Are you filing this claim on behalf of your family?		
<input type="checkbox"/> No <input type="checkbox"/> Yes		
If you checked "Yes", please provide the full name of each family member that you are filing on behalf of:		
A family is a group of two or more people related by birth, marriage, domestic partnership, or adoption and residing together. All such people are considered as members of one family.		
_____		
_____		
_____		
_____		
4. Where should notices and payments to the creditor be sent?		
Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)		
Where should notices to the creditor be sent?		
Where should payments to the creditor be sent? (if different)		
Name _____		
Attorney Name (if applicable) _____		
Attorney Bar Number (if applicable) _____		
Street Address _____		
City _____		
State _____		
Zip Code _____		
Phone Number _____		
Email Address _____		
5. Does this claim amend one already filed?		
<input type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____		
Filed on _____		
MM / DD / YYYY		
6. Do you know if anyone else has filed a proof of claim for this claim?		
<input type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? _____		

**Part 2:** Give Information About the Claim as of the Date this Claim Form is Filed

<b>7. What fire is the basis of your claim?</b> Check all that apply.	<input type="checkbox"/> Camp Fire (2018) <input type="checkbox"/> North Bay Fires (2017) <input type="checkbox"/> Ghost Ship Fire (2016) <input type="checkbox"/> Butte Fire (2015) <input type="checkbox"/> Other (please provide date and brief description of fire: _____)
<b>8. What are the loss location(s) where you and/or your family suffered harm? (e.g. home or business address, place of injury, place from which you were evacuated, if different.)</b>	Location(s): _____
<b>9. How were you and/or your family harmed?</b> Check all that apply	<input type="checkbox"/> Property Damage (homes, structures, personal property, land, trees, landscaping, and all other property damage) <input type="checkbox"/> Owner <input type="checkbox"/> Renter <input type="checkbox"/> Occupant <input type="checkbox"/> Other (Please specify): _____ <input type="checkbox"/> Personal Injury <input type="checkbox"/> Wrongful Death (if checked, please provide the name of the deceased) _____ <input type="checkbox"/> Business Loss/Interruption <input type="checkbox"/> Lost wages and earning capacity <input type="checkbox"/> Loss of community and essential services <input type="checkbox"/> Agricultural loss <input type="checkbox"/> Other (Please specify): _____
<b>10. What damages are you and/or your family claiming/seeking?</b> Check all that apply	<input type="checkbox"/> Economic damages (including replacement cost of damaged property, diminution in value, loss of use, lost inventory, lost profits, and other economic damage) <input type="checkbox"/> Non-economic damages (including loss of society and support, loss of consortium, pain and suffering, emotional distress, annoyance and discomfort, and other non-economic damage) <input type="checkbox"/> Punitive, exemplary, and statutory damages <input type="checkbox"/> Attorney's fees and litigation costs <input type="checkbox"/> Interest <input type="checkbox"/> Any and all other damages recoverable under California law <input type="checkbox"/> Other (Please specify): _____
<b>11. How much is the claim?</b>	<input type="checkbox"/> \$ _____ (optional) <input type="checkbox"/> Unknown / To be determined at a later date

Part 3: Sign Below

**The person completing this proof of claim must sign and date it. FRBP 9011(b).**

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

**A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.**

*Check the appropriate box:*

- ☐ I am the creditor.  
☐ I am the creditor's attorney or authorized agent.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date \_\_\_\_\_ (mm/dd/yyyy)

\_\_\_\_\_  
Signature

**Print the name of the person who is completing and signing this claim:**

Name \_\_\_\_\_  
First name Middle name Last name

Title \_\_\_\_\_

Company \_\_\_\_\_  
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address \_\_\_\_\_  
Number Street

City State ZIP Code

Contact phone \_\_\_\_\_ Email \_\_\_\_\_

# Instructions for Proof of Claim (Fire Claim Related)

United States Bankruptcy Court

You may have a claim against the Debtors for monetary loss, personal injury (including death), or other asserted damages arising out of or related to a fire. You should consider obtaining the advice of an attorney, especially if you are unfamiliar with the chapter 11 process and privacy regulations.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both.  
18 U.S.C. §§ 152, 157 and 3571.

## How to fill out this form

- **Fill in all of the information about the claim as of the date this claim form is filed.**
- **If the claim has been acquired from someone else, then state the identity of the last party** who owned the claim or was the holder of the claim and who transferred it to you before the initial claim was filed.
- **For a minor child, fill in only the child's initials and the full name of the child's parent or guardian.** For example, write *A.B., a minor child (John Doe, parent)*. See Bankruptcy Rule 9037.
- **You may but are not required to attach supporting documents to this form.**  
Supporting documents will be gathered, maintained, and provided at a later date as instructed by the Court. If you do attach documents, you should attach redacted documents as supporting documentation will be made publicly available and will not be kept confidential. See the definition of *redaction* of information below.
- **Do not attach original documents because attachments may be destroyed after scanning.**
- **Question 3.** Members of a family may but are not required to file a proof of claim as a family but may, if they choose, submit individual claim forms for each family member that has a claim against the debtors.

- **Question 9.** If you suffered property damage, then provide the street address of each real property parcel where you suffered property damage. If you were personally evacuated as the result of a fire, then provide the address or intersection closest to where you encountered the fire and began evacuation. If you suffered property damage and were evacuated from a different location, include both. If you were a renter, provide the address of your residence.
- **Question 10.** This question requests general statements of underlying facts relating to harm and is not intended to be exhaustive or preclusive.
- **Question 11.** You are not required to include a claim amount with your proof of claim. Providing a claim amount at this time is optional.

## Confirmation that the claim has been filed

To receive confirmation that the claim has been filed, enclose a stamped self-addressed envelope and a copy of this form together with the original. You may view a list of filed claims in this case by visiting the Claims and Noticing Agent's website at <https://restructuring.primeclerk.com/pge>.



## Understand the terms used in this form

**Claim:** A creditor's right to receive payment for a debt that the debtor owed on the date the debtor filed for bankruptcy. 11 U.S.C. §101 (5). A claim may be secured or unsecured.

**Creditor:** A person, corporation, or other entity to whom a debtor owes a debt that was incurred on or before the date the debtor filed for bankruptcy. 11 U.S.C. § 101 (10).

**Debtor:** A person, corporation, or other entity who is in bankruptcy. In this instance, PG&E Corporation and Pacific Gas & Electric Company.

**Information that is entitled to privacy:** A *Proof of Claim* form and any attached documents must show only the last 4 digits of any social security number, an individual's tax identification number, or a financial account number, only the initials of a minor's name, and only the year of any person's date of birth. If a claim is based on delivering health care goods or services, limit the disclosure of the goods or services to avoid embarrassment or disclosure of confidential health care information. You may later be required to give more information if the trustee or someone else in interest objects to the claim.

**Proof of claim:** A form that shows the creditor has a claim against the debtors on or before the date of the bankruptcy filing (in these cases, January 29, 2019). The form must be filed in the district where the case is pending.

**Redaction of information:** Masking, editing out, or deleting certain information to protect privacy. Filers must redact or leave out information entitled to **privacy** on the *Proof of Claim* form and any attached documents.

## Offers to purchase a claim

Certain entities purchase claims for an amount that is less than the face value of the claims. These entities may contact creditors offering to purchase their claims. Some written communications from these entities may easily be confused with official court documentation or communications from the debtor. These entities do not represent the bankruptcy court, the bankruptcy trustee, or the debtor. A creditor has no obligation to sell its claim. However, if a creditor decides to sell its claim, any transfer of that claim is subject to Bankruptcy Rule 3001(e), any provisions of the Bankruptcy Code (11 U.S.C. § 101 et seq.) that apply, and any orders of the bankruptcy court that apply.

## Please send completed Proof(s) of Claim to:

### If by first class mail:

PG&E Corporation Claims Processing Center  
c/o Prime Clerk LLC  
Grand Central Station, PO Box 4850  
New York, NY 10163-4850

### If by overnight courier or hand delivery:

PG&E Corporation Claims Processing Center  
c/o Prime Clerk LLC  
850 Third Avenue, Suite 412  
Brooklyn, NY 11232

**You may also hand deliver your completed Proof(s) of Claim to any of the following service center offices (beginning July 15, 2019 through the Bar Date (October 21, 2019) during the hours of 8:30 a.m. – 5:00 p.m. Prevailing Pacific Time):**

Chico Service Center  
350 Salem Street  
Chico, CA 95928

Marysville Service Center  
231 "D" Street  
Marysville, CA 95901

Napa Service Center  
1850 Soscol Ave. Ste 105  
Napa, CA 94559

Oroville Service Center  
1567 Huntoon Street  
Oroville, CA 95965

Redding Service Center  
3600 Meadow View Road  
Redding, CA 96002

Santa Rosa Service Center  
111 Stony Circle  
Santa Rosa, CA 95401

**Photocopy machines will not be available at the Claim Service Centers; you must bring a photocopy of your Proof of Claim if you wish to receive a date-stamped copy.**

**Do not file these instructions with your form**